

IC 34-18-2

Chapter 2. Definitions

IC 34-18-2-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-2

Terms of art

Sec. 2. A legal term or word of art that is used in this article, if not otherwise defined, has the meaning that is consistent with the common law.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-3

Repealed

(Repealed by P.L.205-2003, SEC.44.)

IC 34-18-2-3.5

"Advanced emergency medical technician"

Sec. 3.5. "Advanced emergency medical technician" means an individual who can perform at least one (1) procedure but not all the procedures of a paramedic and who:

- (1) has completed a prescribed course in advanced life support;
- (2) has been certified by the Indiana emergency medical services commission;
- (3) is associated with a single supervising hospital; and
- (4) is affiliated with a provider organization.

As added by P.L.77-2012, SEC.57.

IC 34-18-2-4

"Ambulance service"

Sec. 4. "Ambulance service" means a person who employs:

- (1) emergency medical technicians;
- (2) advanced emergency medical technicians; or
- (3) paramedics.

As added by P.L.1-1998, SEC.13. Amended by P.L.205-2003, SEC.40; P.L.77-2012, SEC.58.

IC 34-18-2-5

"Annual aggregate"

Sec. 5. "Annual aggregate" means the limitation on a health care provider's liability as provided in IC 34-18-4.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-6

"Authority"

Sec. 6. "Authority" refers to the residual malpractice insurance

authority established under IC 34-18-17 (or IC 27-12-17 before its repeal).

As added by P.L.1-1998, SEC.13.

IC 34-18-2-6.5

"Certified nurse midwife"

Sec. 6.5. "Certified nurse midwife" means a registered nurse who holds a license to practice midwifery under IC 25-23-1-13.1.

As added by P.L.232-2013, SEC.22.

IC 34-18-2-7

"College", "university", and "junior college"

Sec. 7. "College, university, or junior college" means an institution for postsecondary school education accredited by the North Central Association.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-8

"Commissioner"

Sec. 8. "Commissioner" refers to the insurance commissioner.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-9

"Community health center"

Sec. 9. "Community health center" means a provider of primary health care organized as a nonprofit corporation under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 and governed by a board of directors, at least fifty-one percent (51%) of whom are representatives of consumers.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-10

"Community mental health center"

Sec. 10. "Community mental health center" means a public or private mental health center established under IC 12-29.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-11

"Community mental retardation center"

Sec. 11. "Community mental retardation center" means a public or private community mental retardation and other developmental disabilities center established under IC 12-29.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-12

"Emergency medical technician"

Sec. 12. "Emergency medical technician" has the meaning set forth in IC 16-18-2-112 but does not include such a person while operating an emergency vehicle.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-12.1

Repealed

(Repealed by P.L.77-2012, SEC.59.)

IC 34-18-2-12.2

Repealed

(Repealed by P.L.77-2012, SEC.60.)

IC 34-18-2-13

"Health care"

Sec. 13. "Health care" means an act or treatment performed or furnished, or that should have been performed or furnished, by a health care provider for, to, or on behalf of a patient during the patient's medical care, treatment, or confinement.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-14

"Health care provider"

Sec. 14. "Health care provider" means any of the following:

- (1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, certified nurse midwife, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, advanced emergency medical technician, or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.
- (2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.
- (3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.
- (4) A home health agency (as defined in IC 16-27-1-2).
- (5) A health maintenance organization (as defined in IC 27-13-1-19).
- (6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).
- (7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

- (A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and
(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action.

As added by P.L.1-1998, SEC.13. Amended by P.L.205-2003, SEC.43; P.L.77-2012, SEC.61; P.L.232-2013, SEC.23.

IC 34-18-2-15

"Health facility"

Sec. 15. "Health facility" means a facility licensed under IC 16-28.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-16

"Hospital"

Sec. 16. "Hospital" means a public or private institution licensed under IC 16-21-2.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-17

"Insurer"

Sec. 17. "Insurer" means the authority or an insurance company engaged on an admitted or nonadmitted basis in making in this state Class 2(h) malpractice liability insurance under IC 27-1-5-1.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-18

"Malpractice"

Sec. 18. "Malpractice" means a tort or breach of contract based on health care or professional services that were provided, or that should have been provided, by a health care provider, to a patient.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-19

Repealed

(Repealed by P.L.232-2013, SEC.24.)

IC 34-18-2-20

"Migrant health center"

Sec. 20. "Migrant health center" means a provider of primary health care organized as a nonprofit corporation under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 governed by a board of directors, at least fifty-one percent (51%) of whom are representatives of consumers and funded under Section 329 of the United States Public Health Service Act (42 U.S.C. 254b).

As added by P.L.1-1998, SEC.13.

IC 34-18-2-21

"Paramedic"

Sec. 21. (a) "Paramedic", except as provided in subsection (b), has the meaning set forth in IC 16-18-2-266.

(b) The term does not include such a person while operating an emergency vehicle.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-22**"Patient"**

Sec. 22. "Patient" means an individual who receives or should have received health care from a health care provider, under a contract, express or implied, and includes a person having a claim of any kind, whether derivative or otherwise, as a result of alleged malpractice on the part of a health care provider. Derivative claims include the claim of a parent or parents, guardian, trustee, child, relative, attorney, or any other representative of the patient including claims for loss of services, loss of consortium, expenses, and other similar claims.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-23**"Physician"**

Sec. 23. "Physician" means an individual with an unlimited license to practice medicine under IC 25-22.5.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-24**"Psychiatric hospital"**

Sec. 24. "Psychiatric hospital" means a private institution licensed under IC 12-25 and public institutions under the administrative control of the director of a division as designated by IC 12-24-1-3.

As added by P.L.1-1998, SEC.13. Amended by P.L.188-2013, SEC.25.

IC 34-18-2-24.5**"Qualified provider"**

Sec. 24.5. "Qualified provider" means a health care provider that is qualified under this article (or by IC 27-12 before its repeal) by complying with the procedures set forth in IC 34-18-3 (or IC 27-12-3 before its repeal).

As added by P.L.111-1998, SEC.4.

IC 34-18-2-25**"Representative"**

Sec. 25. "Representative" means the spouse, parent, guardian, trustee, attorney, or other legal agent of the patient.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-26**"Risk"**

Sec. 26. "Risk" means a health care provider that must apply for malpractice liability insurance coverage under IC 34-18-17.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-27

"Risk manager"

Sec. 27. "Risk manager" means an insurance company that is:

- (1) admitted to make insurance and actively engaged in making in this state Class 2 insurance under IC 27-1-5-1; and
- (2) appointed by the commissioner to manage the authority.

As added by P.L.1-1998, SEC.13.

IC 34-18-2-28

"Tort"

Sec. 28. "Tort" means a legal wrong, breach of duty, or negligent or unlawful act or omission proximately causing injury or damage to another.

As added by P.L.1-1998, SEC.13.